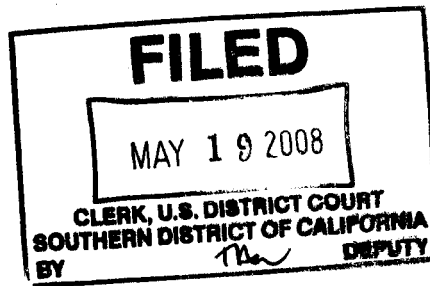


AUSA



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 84 45

UNITED STATES OF AMERICA,  
Plaintiff,

v.

Katherine Frances STOVER

Defendant

) Mag. Case No.  
) COMPLAINT FOR VIOLATION OF:  
)  
) Title 8, U.S.C., Section 1324  
) (a)(1)(A)(ii) -Illegal Transportation of  
) Alien(s)  
)  
)  
)  
)

The undersigned complainant, being duly sworn, states:

On or about May 16, 2008, within the Southern District of California, defendant Katherine Frances STOVER, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, Antonio SOLIS-Martinez, Enedino VIEYRA-Cruz and Efrain RAMOS-Baez had come to, entered or remained in the United States in violation of law, did transport or move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant states that this complaint is based on the attached statement of facts which, is incorporated herein by reference.

Senior Border Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 19th DAY OF MAY 2008.

Peter C. Lewis  
United States Magistrate Judge

I, Senior Border Patrol Agent Mikuski declare under penalty of Perjury, the following is true and correct:

### **PROBABLE CAUSE STATEMENT**

The complainant states that this complaint is based upon statements in the investigative reports by U.S. Border Patrol Agent B. Valenzuela that on May 16, 2008, the defendant, Katherine Frances STOVER, a United States Citizen was apprehended near Seeley, California, along with (6) six undocumented aliens from Mexico, in violation of law.

On May 16, 2008, at approximately 10:09 a.m. U.S. Border Patrol Agent's received information that a white Pontiac sedan possibly loaded with illegal entrants near Jacumba, California and was traveling eastbound on Interstate 8 towards El Centro California. CBP Aircraft Pilot J. Lemon located the vehicle traveling east bound on Interstate 8. Agent Valenzuela also located the sedan as it exited Interstate 8 at Dunaway Road. Agent Valenzuela also exited the Interstate on Dunaway Road. The sedan turned back around and returned back to Interstate 8 eastbound. When the sedan passed Agent Valenzuela's position he was able to observe the driver, later identified as Katherine Frances STOVER, as being a Caucasian female, with straight brown hair, wearing a red shirt and sun glasses. Agent Valenzuela noticed STOVER was the only visible occupant but the sedan still appeared heavily laden in the rear.

Agent Valenzuela followed the sedan on the Interstate and requested a registration check. The sedan is registered to Budget Car Rental. Agent Valenzuela drove alongside the sedan and his partner, Agent M. Reilly, saw an individual attempting to conceal himself from view inside the sedan. Using the emergency lights and siren on his Border Patrol Service vehicle, Agent Valenzuela stopped the sedan to further investigate the situation. As the agents approached the sedan, Agent Valenzuela could see individuals attempting to hide themselves inside. The agents identified themselves and questioned STOVER. It was determined STOVER is a United States Citizen and Agent Valenzuela asked STOVER if there was anyone in the trunk, STOVER told the agents there were more people in the trunk. Agent J. Benavides opened the trunk and found three male subjects hiding. They were sweating profusely, they appeared tired and weathered. Agent Benavides could see there was no water in the trunk with them. The agents questioned the other occupants of the sedan and determined they are citizens of Mexico illegally in the United States. A rental receipt from Budget Rentals indicated STOVER was the individual who rented the sedan. STOVER and the other undocumented aliens were placed under arrest.

At the station, Agent J. Vera witnessed Agent Benavides read STOVER her rights as per Miranda. STOVER stated she understood her rights and was willing to answer questions with out the presence of an attorney. STOVER stated she drove to a farm off the highway twice on 5/15/2008 to locate the aliens that were to be picked up. STOVER stated she was told the aliens had been at the location for two days without food or water. STOVER stated on 5/16/2008 she was waived down by a person named Laviv and several people got into the sedan. STOVER stated some of the people went through the back seat into the trunk. STOVER stated she traveled 35 to 45 minutes with the people in the trunk and that she did not give nor offer them food or water. STOVER stated she was taking them to El Centro , California so they could blend in with the homeless people

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there. STOVER admitted she was going to get paid \$100 per smuggled person. STOVER admitted she knew her passengers are illegal aliens.

Material Witnesses Antonio SOLIS-Martinez, Enedino VIEYRA-Cruz and Efraim RAMOS-Baez all stated arrangements were made in Mexico to pay \$1800 to \$2000 to a smuggler to be smuggled into the United States. SOLIS, VIEYRA and RAMOS stated a white woman was driving the car that picked them up. VIEYRA stated when he got into the car the back seat was down and he saw an opening to the trunk. VIEYRA stated he and two others crawled through the opening into the trunk.

SOLIS, VIEYRA and RAMOS were all shown a six pack photo line up and identified photo number 3, STOVER, as the driver.

The complainant states that the names of the Material Witnesses are as follows:

NAME	PLACE OF BIRTH
Antonio SOLIS-Martinez	Mexico
Enedino VIEYRA-Cruz	Mexico
Efraim RAMOS-Baez	Mexico

Further, complainant states that Antonio SOLIS-Martinez, Enedino VIEYRA-Cruz and Efraim RAMOS-Baez are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

Executed on May 17, 2008, at 10:30 AM.

  
Michael Mikuski  
Border Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 3 pages, I find probable cause to believe the defendant named in this probable cause statement committed the offense on May 16, 2008 in violation of Title 8, United States Code 1324.

  
Honorable Anthony J. Battaglia  
United States Magistrate Judge

5/17/08 12:15pm  
Date/Time